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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,207	12/19/2000	Timothy P. Barber	2-604.6-1	7642

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/74/207

Applicant(s)

Kasper

Examiner

Alex G

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/5/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3624

## **DETAILED ACTION**

### ***Response to Appeal Brief***

1. This action is issued in reply to applicant's Appeal Brief(Paper #9) filed 9/5/03.
2. Prosecution is reopened.
3. Claims 1-8 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 USC 103(a) as unpatentable over Mitty(US Pat. No: 6,145,079) in view if Tycksen(US Pat. No: 6,189,097) and further in view of Boesch(US Pat. No: 5,870,473).
6. As per claims 1-8 Mitty teaches a sender sending a stamp having a face value and affixed to an e-mail and sent to a recipient(Abstract)(Fig 6/635). Mitty further teaches a sender(Fig 1A/105) and a recipienbt(Fig 1A/120) and a network(Fig 1A/110) and even a trusted intermediary(Fig 1A/115). Mitty further teaches creating and initializing an electronic waybill data structure(Fig 2A/210) and validation of e-mail addresses(Fig 2A/215) and obtaining the private key of the sender(Fig 2A/225).Mitty further teaches creating an envelope data(Fig 2B/240) and generating

Art Unit: 3624

an ID of the waybill(Fig 2B/245). Mitty also teaches creating envelope data(Fig 2C/260) and sending a confirmation to the sender(Fig 3A/315).Mitty further teaches generating a recipient version of the electronic waybill content(Fig 3B/335) and creation of the multipart message(Fig 3B/340).Mitty also teaches decrypting the inner envelope contents(Fig 4A/415) and creating a message and code corresponding to authentication(Fig 4B/430) as well as the valued content of the envelope(Fig 6/635). In addition to that taught by Mitty, Tycksen teaches an issue time(Fig 1/11r) and a certificate number(Fig 1/11a) and a lifespan(Fig 1/11p) with application to the Internet(col 4 lines 36-58).Tycksen further teaches the license terms and e-mail(Fig 1/111) and hash(Fig 1/10). Tycksen teaches a purchase request and a payment interaction(Fig 2/20) and a purchase transaction and certifying authority(Fig 2/23) as well as digitally signing the certificate(Fig 3/112) and adding a tag and text based matter(Fig 3/108).Tycksen teaches initializing and formatting the digital certificate object(Fig 4/122) and appending formatted data to the created digital certificate(value)(Fig 6/144)(Fig 5/132)(Fig 7/170) and signing the digital certificate(Fig 7) and importing a digital certificate object(Fig 9/222) as well as the purchase transaction and certifying authority communicating with the electronic digital product distributor producing a digital product(Fig 12/16) of value to the gift recipient. In addition to that taught by Tycksen, Boesch teaches a method for providing for money transfer over a network(Abstract)(col 2 line 21-col 3 line 5) as well as a face value(Fig 4C/120G.2).Boesch further teaches a transaction payment process(Fig 3A/409) as well as cash-container data structures for electronic data value transfer(Fig 4C)(Fig 4F) and transaction data with values in the fields(Fig 4K) as well

Art Unit: 3624

as e-mail addreses(Fig 5G) and a cash payment record(253) from a user to a merchant(Fig 5I).Boesch further teaches a merchant ID(Fig 5P) as well as a transaction time(stamp time)(Fig 5T) as well as a transmit message from a sender to a receiver(Fig 8) and an encoding operation(Fig 9) and even message formats(Fig 20A).It would have been obvious to one skilled in the art at the time of the invention to combine Mitty in view of Tycksen and further in view of Boesch to teach applicant's disclosure. The motivation to combine Mitty in view of Tycksen is to teach a value transfer system through e-mail which utilizes a digital certificate as enunciated by Tycksen(col 3 lines 35-45). The motivation to combine Mitty in view of Tycksen and further in view of Boesch is to teach a secure electronic transfer system for money transfer over the Internet as enunciated by Boesch(col 2 lines 20-27) from a sender to a recipient.

#### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-8 as previously amended have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Questions regarding this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E. who can be reached between 6:30 AM and 5:00 PM Monday through Fridat at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin,SPE, may be telephoned at 703-308-1065.



11/21/03

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER